

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1219 be amended to read as follows:

- 1 Page 3, after line 17, begin a new paragraph and insert:
- 2 "Chapter 3. Petitions
- 3 Sec. 1. This chapter applies to petitions and signature gathering
- 4 efforts under this article.
- 5 Sec. 2. A charter school, an education management
- 6 organization, or a school corporation may not promote a position
- 7 on a petition by doing any of the following:
- 8 (1) Using facilities or equipment, including mail and
- 9 messaging systems, owned by a school corporation to promote
- 10 a position on the petition, unless equal access to the facilities
- 11 or equipment is given to persons with a position opposite to
- 12 that of the entity.
- 13 (2) Making an expenditure of money from a fund controlled
- 14 by the school corporation to promote a position on the
- 15 petition or to pay for the gathering of signatures on the
- 16 petition. This subdivision does not prohibit an entity from
- 17 making an expenditure of money to an attorney, an architect,
- 18 a registered professional engineer, a construction manager, or
- 19 a financial adviser for professional services related to a
- 20 proposed conversion charter school.
- 21 (3) Using an employee to promote a position on the petition
- 22 during the employee's normal working hours or paid
- 23 overtime, or otherwise compelling an employee to promote a
- 24 position on the petition at any time. However, if a person

described in section 7 of this chapter is advocating for or against a position on the petition or discussing the petition as authorized under section 7 of this chapter, an employee of the entity may assist the person in presenting information on the petition, if requested to do so by the person described in section 7 of this chapter.

(4) In the case of a school corporation, including a parent organization that maintains an extracurricular account with a school corporation, promoting a position on the petition by:

(A) using students to transport written materials to their residences or in any way involving students in a school organized promotion of a position;

(B) including a statement within another communication sent to the students' residences; or

(C) initiating discussion of the petition process at a meeting between a teacher and parents of a student regarding the student's performance or behavior at school. However, if the parents initiate a discussion of the petition process at the meeting, the teacher may acknowledge the issue and direct the parents to a source of factual information on the petition process.

However, this section does not prohibit an official or employee of an entity from carrying out duties with respect to a petition that are part of the normal and regular conduct of the official's or employee's office or agency, including the furnishing of factual information regarding the petition in response to inquiries from any person.

Sec. 3. A person may not solicit or collect signatures for a petition on property owned or controlled by a school corporation.

Sec. 4. The staff and employees of a school corporation, charter school, or education management organization may not personally identify a student as the child of a parent or guardian who supports or opposes a petition.

Sec. 5. This subsection does not apply to:

(1) a personal expenditure to promote a position on a petition by an employee of a school corporation whose employment is governed by a collective bargaining contract or an employment contract; or

(2) an expenditure to promote a position on a petition by a person or an organization that has a contract or an arrangement with the school corporation, charter school, or education management organization solely for the use of the entity's facilities.

A person or an organization that has a contract or an arrangement (whether formal or informal) with a school corporation, a charter school, or an education management organization to provide goods or services to the school corporation, charter school, or education

1 management corporation may not spend any money to promote a  
 2 position on the petition. A person or an organization that violates  
 3 this section commits a Class A infraction.

4 Sec. 6. An attorney, an architect, a registered professional  
 5 engineer, a construction manager, or a financial adviser for  
 6 professional services provided with respect to a school corporation,  
 7 charter school, or education management organization may not  
 8 spend any money to promote a position on a petition. A person who  
 9 violates this section:

10 (1) commits a Class A infraction; and

11 (2) is barred from performing any services with respect to a  
 12 conversion charter school, if it is established, for at least two  
 13 (2) years after it is established.

14 Sec. 7. Notwithstanding any other law, an elected or appointed  
 15 public official of a political subdivision (including any school board  
 16 member and school corporation superintendent), a school  
 17 corporation assistant superintendent, or a chief school business  
 18 official of a school corporation may at any time:

19 (1) personally advocate for or against a position on a petition;  
 20 or

21 (2) discuss the petition with any individual, group, or  
 22 organization or personally advocate for or against a position  
 23 on the petition before any individual, group, or organization;  
 24 so long as it is not done by using public funds. Advocacy or  
 25 discussion allowed under this section is not considered a use of  
 26 public funds. However, this section does not authorize or apply to  
 27 advocacy or discussion by a school board member, superintendent,  
 28 assistant superintendent, or school business official to or with  
 29 students that occurs during the regular school day."

(Reference is to HB 1219 as printed January 11, 2012.)

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Representative Smith V